



18 APR 2006

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In re Application of
KOMATSUBARA et al. :
Application No.: 10/548,409 : DECISION ON
PCT No.: PCT/JP04/02720 :
Int. Filing Date: 04 March 2004 : PETITION UNDER
Priority Date: 07 March 2003 :
Attorney Docket No.: 053077 : 37 CFR 1.137(b)
For: METHOD FOR DRYING COATING FILM,
AND OPTICAL FILM :
:

This decision is in response to applicants' submission filed 08 September 2005.

BACKGROUND

On 04 March 2004, applicants filed international application PCT/JP04/02720 which designated the U.S. and claimed a priority date of 07 March 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 16 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 September 2005.

On 08 September 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 08 September 2005.

As to item (2), applicant submitted the petition fee on 08 September 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 08 September 2005 is not in compliance with 37 CFR 1.69(b); specifically applicants have not used one of the pre-approved foreign language forms nor have applicants furnished the requisite statement attesting to the accuracy of the translation.

The surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date has been charged to Deposit Account 50-2866.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Regarding the declaration, applicants are required to file either a pre-approved foreign language declaration in compliance with 37 CFR 1.497(a)-(b) or the requisite statement under 37 CFR 1.69(b) that the translation is accurate. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper reply will result in abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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